

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-21 in the application. The Applicants have not amended, canceled, or added any claims. Accordingly, Claims 1-21 are currently pending in the application.

I. Rejection of Claims 1-21 under Double Patenting

The Examiner has rejected Claims 1-21 under the judicially created doctrine of double patenting in view of U.S. Patent Application Publication No. 2005/0011957 by Attia, *et al.* The Applicants respectfully disagree since there is not a common relationship between inventorship and/or ownership of the present application and Attia. (*See MPEP §804.*) Thus, a double patenting rejection is improper. The Applicants, therefore, respectfully request the Examiner to withdraw the double patenting rejection and allow issuance thereof.

II. Comment on Cited Reference

The Examiner relies on Attia in the below §102(e) and §103(a) rejections of Claims 1-21. In response to the Examiner's reliance on Attia, the Applicants submit herewith Affidavits under 37 C.F.R. §1.131 and Exhibit A. Exhibit A is a true and correct copy of an invention submission form associated with the present application.

The Affidavits and Exhibit A conclusively provide evidence that establishes the present invention was conceived prior to the earliest filing date of Attia (July 16, 2003) and thereafter was

diligently reduced to practice at the filing of the present application. As a result, Attia is antedated by the present invention and is not prior art.

III. Rejection of Claims 1-2, 4-7, 11-12, 14-17 and 21 under 35 U.S.C. §102

The Examiner has rejected Claims 1-2, 4-7, 11-12, 14-17 and 21 under 35 U.S.C. §102(e) as being anticipated by Attia. The Applicants respectfully disagree since Attia, as discussed above, is not prior art. Accordingly, Attia does not anticipate independent Claims 1, 11 and 21 and Claims dependent thereon. The Applicants, therefore, respectfully request the Examiner to withdraw the §102(e) rejection with respect to Claims 1-2, 4-7, 11-12, 14-17 and 21 and allow issuance thereof.

IV. Rejection of Claims 3, 8-10, 13 and 18-20 under 35 U.S.C. §103

The Examiner has rejected dependent Claims 3, 8-10, 13 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Attia in view of the following: U.S. Patent Publication No. 2002/0102966 by Lev, *et al.*, for Claims 3, 8, 13 and 18; U.S. Patent Publication 2005/0040230 by Swartz, *et al.*, in further view of Lev for Claims 10 and 20; and U.S. Patent Publication No. 2005/0017453 by Rehbein *et al.* for Claims 9 and 19. The Applicants respectfully disagree.

As discussed above, Attia is not prior art. Thus, the cited combination of Attia with either Lev, Swartz, Rehbein or a combination thereof, does not provide a *prima facie* case of obviousness of independent Claims 1 and 11 and Claims dependent thereon. Accordingly, the Applicants

respectfully request the Examiner to withdraw the §103(a) rejections with respect to Claims 3, 8-10, 13 and 18-20 and allow issuance thereof.

V. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss
Registration No. 48,981

Dated: 12/27/05

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800